

Wyatt N. RedFox
Name
729305
Prison Number
Anchorage Correctional Complex West
Place of confinement
1300 East 4th Ave
Mailing address
Anchorage, AK 99501
City, State, Zip

Telephone

RECEIVED

SEP 14 2021

CLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Wyatt N. RedFox,
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

John Doe (Magistrate),
Charles D. Agerter,
Denice McKenzie,
(Enter full names of defendant(s) in this action.
Do NOT use et al.)

Teadie Chance, John Doe Police #1, John Doe Police #2, John Doe Police #3,
John Doe Police #4
Defendant(s).

Case No. 3:21-cv-00004-SLG-MMS
(To be supplied by Court)

SECOND AMENDED
PRISONER'S
COMPLAINT UNDER THE CIVIL
RIGHTS ACT
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Wyatt N. RedFox,
(print your name)

who presently resides at Anchorage Correctional Complex West,
(mailing address or place of confinement)

were violated by the actions of the individual(s) named below.

2. **Defendants** (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, John Doe (Magistrate) is a citizen of Alaska, and is employed as a Magistrate.
(name) (state) (defendant's government position/title)

____ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

____ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Charles D. Agerter is a citizen of Alaska, and is employed as a _____.
(name) (state) (defendant's government position/title)

____ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

____ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Denice McKenzie is a citizen of _____, and is employed as a _____.
(name) (state) (defendant's government position/title)

____ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

____ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

*****REMINDER*****

**You must exhaust your administrative remedies before your claim can go forward.
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Defendant No. 4, Teadi Chance is a citizen of Alaska, and is employed as a Adult Probation Officer. This defendant personally participated in causing my injury, and I want money damages.

Defendant No. 5, John Doe Police #1 is a citizen of Alaska, and is employed as a Municipality Police Officer. This defendant personally participated in causing my injury, and I want money damages.

Defendant No. 6, John Doe Police #2 is a citizen of Alaska, and is employed as a Municipality Police Officer. This defendant personally participated in causing my injury, and I want money damages.

Defendant No. 7, John Doe Police #3 is a citizen of Alaska, and is employed as a Municipality Police Officer. This defendant personally participated in causing my injury, and I want money damages.

Defendant No. 8, John Doe Police #4 is a citizen of Alaska, and is employed as a Municipality Police Officer. This defendant personally participated in causing my injury, and I want money damages.

Claim 1: On or about March 28, 2020, my civil right to
(Date)

Unreasonable Searches and Seizures

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by John Doe (Magistrate)
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

I appeared in court after being placed under arrest on March 27, 2020 without probable cause to support an alleged Petition to Revoke Probation. At the arraignment, John Doe Magistrate orally explained that I was held for an alleged P.T.R.P. At the hearing, the information of probable cause determination was explained vaguely to where I could not understand in plain language why I was being held in custody. I asked John Doe Magistrate that I had no affidavit(s) in support of complaint or documents to help me understand why I was being held in custody; John Doe Magistrate told me there was no documents to help me understand why I was held in custody and that the oral information he stated on the record was all he had at the time to justify why I was held in custody and that there was nothing else for me to get to know the nature and cause of the accusation of how I violated my Probation. My P.T.R.P. alleged that I violated Condition #10 to "Comply with all municipal, state and Federal laws."

Claim 2: On or about April 1, 2020, my civil right to
(Date)

Unreasonable Searches and Seizure

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by Charles D. Agarter
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

At my court appearance in front of Superior Judge Andrew Peterson, I had counsel Public Defender Agency represent me. Andrew Peterson reviewed the case file and said there was no probable cause information in the file. Defendant Charles D. Agarter used my criminal history at the hearing, and to try and justify why I should be held in custody, he said he will look on CourtView to see if the charges have been filed as a way to support probable cause. After reviewing courtview, he said he could not find that there was any charges filed against me to support that I have violated my condition of probation #10 to "Comply with all municipal, state, and Federal laws." He did not request for me to be released on "OR" bail or did he request to dismiss the allegations of the Petition to Revoke Probation until he filed to dismiss the P.T.R.P after talking with my attorney George Suebre* last name may be misspelt.*

Claim 3: On or about March 27, 2020, my civil right to
(Date)

Unreasonable Searches and Seizures

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Denise McKenzie
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

I was walking around down town Anchorage when I was suddenly stopped by four Municipality Police Officers. The four officers restrained me and placed me on the concrete covered in wet melting snow. I asked the officers not to hurt me as I was not resisting arrest and I asked them why I was being arrested. They asked me who was the hurt person and I refused to make any incriminating statements since I was not exactly sure what situation I was in. I did tell them I was on probation and that I am allowed to drink not in excess, which I believed they called Anchorage probation office. Denise McKenzie was the on-call probation officer who told the officers to keep me in custody. I asked again why I was being arrested and one officer said for a P.T.R.P. I asked what was the P.T.R.P. for and he said for resisting arrest. I told them I did not resist arrest and asked why I am being arrested. No response was given after my inquiries.

I requested A.P.D for report No. "APD Case No. 20-10167" and the Probation terms & Conditions which was provided by probation office. Condition #10 to "comply with all municipal, state and federal laws" was alleged to be violated for the P.T.R.P.

Prisoner § 1983 - 5
PS01, Nov. 2013

Claim 4: On or about March or April 2020, my civil right to Unreasonable Searches and Seizures was violated by Teadi Chance.

Supporting Facts

In the month of March or April of 2020, I called Teadi Chance while I was in custody at Anchorage Jail and talked to Teadi Chance to ask why I was in custody. She said that it was Denice McKenzie who filed the P.T.R.P and that she was not the one to make the call on filing the P.T.R.P. As my assigned Probation Officer, she became aware of the fact that I was being alleged to have violated my Conditions of Probation. I believe she reviewed the documents alleged by Denice McKenzie that I violated my condition of probation to "Comply with all municipal, state and Federal laws." The facts alleged by Denice McKenzie did not have enough information to support any element of any state, municipality or Federal criminal statutes; thus my probation condition #10 to "Comply with all Municipality, state and Federal laws" could not be legally or lawfully supported as to allege that I violated my conditions.

Claim 5: On or about March 27, 2020, my civil right to unreasonable searches and seizures was violated by John Doe Police #1.

Supporting Facts

I was walking around downtown Anchorage when I was stopped by John Doe Police #1 with 3 other officers. I was told to stop then placed under arrest. I asked why I was being arrested and told the police not to hurt me because I was not resisting arrest. John Doe #1 asked me who I was with and I told him it was my brother. John Doe Police #1 asked me what was his name and I invoked my 5th Amendment right to remain silent as I did not believe what the situation really was to why the police was arresting me. I asked again why I was under arrest and John Doe Police #1 said resisting arrest, which I asked why I was really being arrested and he said, after I told him I was on probation, that my probation officer said to arrest me. I asked to speak to Teadi chance and he said it was the on-call probation officer who made the request to arrest me. I told them I did not resist arrest, to bring me to sleep off (as I did drink alcohol) and that there was no reason to arrest me.

Claim 6: On or about March 27, 2020, my civil right to unreasonable searches and seizures was violated by John Doe Police #2

Supporting Facts

John Doe Police #2 helped to arrest me with John Doe Police #1 and two other police officers even after I explained that I was not resisting arrest and that I was not violating any of my conditions of probation. John Doe Police #2 did not say or do anything that I was wrongfully being arrested, nor did he report any crimes or facts to support that I committed any criminal act under Municipal, State or Federal laws.

Claim 7: On or about March 27, 2020, my civil right to Unreasonable Searches and Seizures was violated by John Doe Police #3

Supporting Facts

John Doe Police #3 helped to arrest me with John Doe Police #1 and two other police officers even after I explained that I was not resisting arrest and that I was not violating any of my conditions of probation. John Doe Police #3 did not say or do anything that I was wrongfully being arrested, nor did he report any crimes or facts to support that I committed any criminal act under Municipal, State or Federal laws.

Claim 8: On or about March 27, 2020, my civil right to unreasonable searches and seizures was violated by John Doe Police #4

Supporting Facts

John Doe Police #4 helped to arrest me with John Doe Police #1 and two other police officers even after I explained that I was not resisting arrest and that I was not violating any of my conditions of probation. John Doe Police #4 did not say or do anything that I was wrongfully being arrested, nor did he report any crimes or facts to support that I committed any criminal act under Municipal, State or Federal laws.

D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment?** ☒ Yes ☒ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): Wyatt N. Redfox

Defendant(s): John Doe (Magistrate), et al.

Name and location of court: District of Alaska in Anchorage

Docket number: 3:21-cv-00004 Name of judge: Sharon L. Gleson

Approximate date case was filed: 01/06/2021 Date of final decision: N/A

Disposition: ☐ Dismissed ☐ Appealed ☒ Still pending

Issues Raised: Violation of Unreasonable Searches and Seizures

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: ☐ Dismissed ☐ Appealed ☐ Still pending

Issues Raised: _____

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

☐ Yes ☐ No

If your answer is "Yes," describe each lawsuit on the next page.

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

4. Are you in imminent danger of serious physical injury? ___ Yes ___ No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority: _____

F. Request For Relief (Attachment)

3. of John Doe (Magistrate), John Doe Police #1, John Doe Police #2, John Doe Police #3, and John Doe Police #4. Furthermore, to have the offices or employers to provide the Court files and log notes of March 28, 2020 and the April 2020 hearing. Moreover, to have defendants employers produce APD file case No. 20-10167, the audio and video surveillance of each officer involved in Plaintiff's March 27, 2020 arrest and there written reports, if any, of what happened.
4. Against unreasonable searches and seizures was violated. Furthermore, the acts of John Doe Police #1 constituted assault and battery as well as kidnapping under state law. John Doe Police # 2, #3 and #4's involvement and omission to protect civil rights constitutes aiding and abetting John Doe Police #1 in assault and battery and kidnapping under state law. Denise McKenzie false alleges the violation of Plaintiff's probation constitutes abuse of office or official misconduct under state law. Teadi Chance omission to protect Plaintiff's probation rights constitutes aiding and abetting Denise McKenzie in Official Misconduct. Charles D. Agetter making false statements or attempting to make false appearance of probable cause constitutes as perjury under state law. John Doe (Magistrate) holding Plaintiff in custody without probable cause constitutes kidnapping under state law.

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 418,000
2. Punitive damages in the amount of \$ 1,254,000
3. An order requiring defendant(s) to Provide Plaintiff the names (see attached)
4. A declaration that Plaintiff's rights to be protected (see attached)
5. Other: The payment and cost of this suit from the defendants

Plaintiff demands a trial by jury. X Yes _____ No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at 1300 E. 4th Ave. Anchorage, Alaska 99501 on September 9, 2021
(Location) (Date)
[Signature]
(Plaintiff's Signature)

Original Signature of Attorney (if any) (Date)

Attorney's Address and Telephone Number

Wyd # N. Red Fox # 7C9305

Anchorage Correctional Complex West

1300 East 4th Ave.

Anchorage, AK 99501



U.S. District Court

222 West 7th Ave., #4

Anchorage, AK 99503